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Attorney Dkt: FLG-028US

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T.N.L.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named applicant: ERNEST H. ROBERTS
Serial No.: 09/750,831
Group No.: 3635
Filed: 12/28/2000
Examiner: STEVE M. VARNER

For: DEVICE FOR IMPEDING A ROUTE OF TRAVEL OF CRAWLING ARTHROPODS

DECLARATION UNDER 37 CFR 1.131

RECEIVED

APR 29 2002

GROUP 3600

Honorable Commissioner of Patents
and Trademarks
Washington DC 20231

Sir:

ERNEST H. ROBERTS and PHILIP G. KOEHLER declare that they are the inventors, who on December 28, 2000 filed the above-identified application and that the above application, claims priority to U. S. Provisional Application 60/181,395 filed February 9, 2000.

Mr. ROBERTS and Dr. KOEHLER further declare that this invention was conceived and reduced to practice in this country prior to October 26, 1998 (herein after referred to as the effective date), which was the filing date of U.S. Patent 6,230,435 to Carman.

ERNEST H. ROBERTS and PHILIP G. KOEHLER state that the invention was reduced to practice as a working prototype prior to the effective date of the 6,230,435 Carman's patent, as evidenced by invoices dated April 6, 1998, a copy of which is attached hereto as (Exhibit 1) and invoice dated July 8, 1998, a copy of which is attached hereto as (Exhibit 2), and as depicted in five photograph copies attached hereto as (Exhibit 3) and that such dates were before the "effective date" of the Carman patent.

ERNEST H. ROBERTS and DR. PHILIP G. KOEHLER further declare that they do not know and do not believe that their invention had been made public more than one year prior to the application being filed, and that they have never abandoned the invention.

MR. ROBERTS and DR. KOEHLER further declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ERNEST H. ROBERTS


PHILIP G. KOEHLER

Dated: 7/17, 2002

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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Respectfully submitted,


ERNEST H. ROBERTSDated: 4/17, 2002

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